



11/16/2011

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11 ATTORNEYS FOR PLAINTIFF  
 12 RICHARD NOLL

13 IN THE UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN JOSE DIVISION

16 RICHARD NOLL, Individually and on behalf of all others similarly situated,	)	CASE NO. 5:11-CV-04585-EJD
17 Plaintiff,	)	
18 v.	)	<b>STIPULATION TO EXTEND TIME FOR RESPONSE AND REPLY REGARDING EBAY, INC.'S MOTION TO DISMISS AND REQUEST FOR JUDICIAL NOTICE</b>
20 EBAY INC., EBAY EUROPE S.A.R.L., and EBAY INTERNATIONAL AG	)	
21 Defendants.	)	Jury Trial Demanded

23  
 24 This Stipulation is entered into pursuant to Local Rule 6-2, by and between Plaintiff  
 25 Richard Noll ("Plaintiff") and Defendant eBay Inc. ("eBay") (collectively, the "Parties"), by and  
 26 through the respective undersigned counsel.

1 WHEREAS, on October 31, 2011, eBay filed its Motion to Dismiss (Doc. 24), Request  
2 for Judicial Notice in Support of eBay's Motion to Dismiss Plaintiff's Complaint or, in the  
3 alternative, Strike Portions Thereof (Doc. 25), and supporting Declarations (Docs. 26, 27)  
4 (collectively, the "Motion and Supporting Materials");  
5

6 WHEREAS, Local Rule 7-3 requires a response to the foregoing materials in fourteen  
7 (14) days and a reply seven (7) days thereafter;  
8

9 WHEREAS, eBay's Motion and Supporting Materials are set for hearing on March 2,  
10 2012;

11 WHEREAS, under Local Rule 7-2, motions may be filed thirty-five (35) days in advance  
12 of a hearing, which in this case would be on or before January 27, 2012;

13 WHEREAS, the Parties are in agreement to complete the response and reply briefing in  
14 advance of what would have been the minimum time for filing of the Motion and Supporting  
15 Materials;

16 NOW, THEREFORE, the Parties stipulate that Plaintiff's response to the Motion and  
17 Supporting Materials shall be due on December 9, 2011; and eBay's Reply in Support of its  
18 Motion and Supporting Materials shall be due on January 16, 2012.

19 **IT IS SO STIPULATED.**

20 Dated: November 10, 2011.

FIGARI & DAVENPORT, LLP

21 \_\_\_\_\_  
22 /s/  
23 KEITH R. VERGES  
24 Attorneys for Plaintiff RICHARD NOLL

25 Dated: November 10, 2011.

COOLEY LLP

26 \_\_\_\_\_  
27 /s/  
28 JAMES M. PENNING (229727)  
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17

18 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

19 I, Keith R. Verges, attest that concurrence in the filing of this Stipulation has been  
20 obtained from each of the other signatories.

21 \_\_\_\_\_  
22 /s/  
23 KEITH R. VERGES  
24 Attorneys for Plaintiff RICHARD NOLL